IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
**THE HON'BLE MR JUSTICE N.V. RAMANA**
**WRIT PETITION NO : 10316 of 2004**

Between:
Sri Kurva Mallesh Goud, S/o. Shivanna,
R/o. H.No. 20/140, Adoni, District Kurnool.

**..... PETITIONER**

AND

1 The District Collector, Kurnool.
2 The Commissioner, Municipality Adoni, District Kurnool.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the notice No. Rc.B1.1364/2004 dated 2-6-2004 as illegal void and abinitio and may be further declare the action of the 1st respondent in conveying the meeting for consideration motion of confidence on 26-6-2004 as illegal, arbitrary and contrary to the contrary to the provisions of A.P. Municipalities Act

**For the Petitioner : MR.A.RAVINDER**

**For the Respondent No.2: MR.K.M.MAHENDER REDDY**

**The Court at the stage of admission made the Following :**

**ORDER:**

The present writ petition is filed questioning the notice dated 2-6-2004 for considering the motion of confidence. The petitioner claims to be member of Adoni Municipality**,** elected as Vice Chair Person in the year 2000 and continuing as on date. A notice under section 46 of the A.P.Municipalities Act was issued by some members of

the municipality to the first respondent for want of confidence in petitioner. Pursuant to the said notice, a meeting for consideration of want of confidence was fixed on 8-6-2004. Questioning the said notice, the petitioner filed W.P.9482 of 2004 and this Court by order dated 1-6-2004 passed an interim order as follows:

> "The meeting of no-confidence motion to be held on 8-6-2004 may go on, but the result shall not be declared until further orders in this W.P.M.P."

It is stated that a separate notice dated 2-6-2004 was issued postponing the meeting of no confidence from 8-6-2004 to 26-6-2004. The petitioner sought to challenge the said second notice dated 2-6-2004 in this writ petition.

Heard the learned counsel for petitioner and Mr. K.M. Mahender Reddy for respondents.

Learned counsel for respondents submitted that questioning the notice dated 8-6-2004 the petitioner has already approached this Court by filing W.P.9482 of 2004 wherein this Court permitted to convene the meeting, however, directed not to declare the results. It is further stated that the said meeting could not be convened due to some unavoidable reasons, as such a consequential notice dated 2-6-2004 was issued to consider the want of confidence. It is thus contended that the want of confidence motion against the petitioner is already pending consideration before this Court, the present writ petition is not maintainable. It is also submitted that the notice dated 2-6-2004 is only a consequential notice postponing the meeting scheduled to be held on 8-6-2004. It is alleged that since petitioner failed to obtain favourable orders in the earlier writ petition, to protract the matter, he has chosen to file the present writ petition, which is not maintainable.

Since the want of confidence in petitioner is a subject matter pending before this Court in W.P.No.9482 of 2004, it is not proper on the

part of the petitioner to again challenge the same in the present writ petition. If the petitioner is so aggrieved by the consequential notice dated 2-6-2004, it is open for the petitioner to agitate the same in the Writ Petition which is pending consideration before this Court. Certainly a separate writ petition against the very same motion of confidence against the petitioner is not maintainable.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

23-6-2004

TVK/DA

To

1 The District Collector, Kurnool.

2 The Commissioner, Municipality Adoni, District Kurnool.

3.. 2CCs to

4.2CD copies

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